EXHIBIT 1

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF MICHIGAN SOUTHERN DIVISION

Case No.: 5:16-cv-10444-JEL-MKM

Hon. Judith E. Levy Mag. Mona K. Majzoub

AFFIDAVIT OF PHILIP A. GRASHOFF, JR.

State of Michigan)
) ss
County of Kent)

Philip A. Grashoff, Jr., being first duly sworn, states as follows:

- 1. I, Philip A. Grashoff, Jr., am over 18 years of age and have no disability which would render me incompetent to make this affidavit.
 - 2. I have personal knowledge of the matters stated in this Affidavit.
- 3. Judge Jennifer Manley entered Protective Orders in certain Flint Water criminal cases involving the MDEQ Employee Defendants (Stephen Busch, Patrick Cook, Michael Prybsy, and Liane Shekter Smith) in the Genesee County District Court.
- 4. These Protective Orders restrict the production of documents and other items obtained through discovery in the criminal matters, including documents produced pursuant to criminal investigatory subpoenas filed in those cases, as well as statements, interviews, or proffered testimony that may have been obtained or

conducted by the Solicitor General's office with certain of the MDEQ Employee

Defendants related to that office's ongoing criminal investigation,

- 5. These Protective Orders further provide for contempt sanctions for any violation of the Orders.
- 6. Following this Court's discussions regarding the continued effect of these Protective Orders, I spoke to Special Assistant Attorney General Molly Kettler, who is assigned to the continuing Flint Water criminal investigations, on February 7, 2020, concerning the discovery of the referenced documents, transcripts, etc., by the parties in the civil Flint Water cases pending before this Court.
- 7. Ms. Kettler advised me that the Protective Orders restricting access to documents and other information produced pursuant to the criminal investigatory subpoenas remain in place and documents and information covered by the Protective Order would not be made available because of the continuing criminal investigation.
- 8. Further, Ms. Kettler advised that any statements, documents, proffered testimony, or any other information resulting from meetings with any of the MDEQ Employee Defendants, to the extent any such documents or information exist, will not be produced because of the ongoing nature of the criminal investigation by the Solicitor General's office.

9. Ms. Kettler also advised that any further inquiries concerning these issues should be directed to the Solicitor General for the State of Michigan, Fadwa A. Hammond.

FURTHER AFFIANT SAYETH NOT.

Dated: March <u>9</u>, 2020

Philip A. Grashoff, Jr.

Subscribed and Sworn to before me

this <u>9</u> day of <u>March</u>, 2020

Veronica L. Kuhl, Notary Public

Kent County, Michigan

My Commission Expires: 03/07/2

Acting in Kent County